

SECTION 18 REQUESTED WAIVERS

DISTRICT REQUIREMENTS

According to the DCSD's application contents, the application shall provide a specific request for waiver of each policy of the Board of Education that the applicant's requests not be applicable to the proposed district charter school. The request must include a complete statement of rationale for each policy waiver requested and a plan for addressing the subject of the policy. A specific request for each state statute and/or State Board Regulation the proposed school requests be waived must also be submitted. This request must include a specific statement of rationale for each statute or regulation waived and a plan for addressing the subject of the statute or regulation.

The Academy will to comply with all state laws and district policies that are not waived.

WAIVERS TO NAMING A SCHOOL AFTER A PERSON

The Academy requests a waiver from the districts policy against naming a school after a person.¹² The rationale for this wavier is simple: Ben Franklin's achievements, virtues, integrity, and well-roundedness embodies the vision of the school. There will be no achievement or financial impact on the school or the district if this policy is waived. The impact of this wavier will be measured by the students

EMPLOYMENT, EVALUATION, AND TERMINATION OF TEACHERS AND NON-CERTIFICATED STAFF

State Statute/DCSD Policy	Description
22-9-106 - Certified Personnel Evaluations/ District Policy: AFC-1, GCN-1, Evaluation of Professional Staff: Teachers	Requires school districts to have a written system and related procedures to evaluate the performance of school district certificated personnel.
22-32-109(1)(f) - Local Boards of Education - Specific Duties/Selection and Pay of Personnel	Requires local boards of education to employ all personnel required to maintain the operations and carry out the educational program of the district and to fix and order paid their compensation.
22-32-110(1)(h) - Termination of Employment	Makes the Board of Education responsible for terminating personnel.

¹² Board File: FF, Naming New Facilities, under District current practice codified 1978 and revised August 19, 2003.

22-32-110(1)(k) – Local Board Powers/Policies Related to In-service Training and Official Conduct	Gives local boards of education the power to adopt written policies related to the in-service training, professional growth, safety, official conduct, and welfare of the employees.
22-32-110(1)(ee) – Employment of non-certificated personnel	Authorizes the Board of Education to employ teacher aides and non-certificated personnel.
22-63-201 – Employment – Certificate Required/ District Policy: GCC/GCD – Professional Staff Recruiting/Hiring	Prohibits a Board from entering into an employment contract with a person who does not hold a teacher's certificate or letter of authorization.
22-63-202 – Employment Contracts/ District Policy: GCPB, Resignation of Professional Staff Members; GCPC, Retirement of Professional Staff Members; GCPCA, Early Retirement; GDA, Support Staff Positions; GDC/GDD, Support Staff Recruiting/Hiring; GDB/GDBA, Support Staff Contracts and Compensation Plans/Salary Schedules	Requires written employment contract with teachers, including a damages provision. Provides for temporary suspension of employment and cancellation of contract. District policies relate to employment provisions including salary, benefits, leave and termination.
22-63-203 – Probationary Teachers	Provides for contract with probationary teachers and allows for non-renewal and renewal of employment contracts.
22-63-206 – Transfer – Compensation/ District Policy: GCE, Professional Staff Assignments and Transfers	Permits transfer of teachers between schools upon recommendation of district's chief administrative officer.
22-63-301 – Grounds for Dismissal/ District Policy: GCPD, Suspension and Dismissal of Professional Staff Members; GDP, Support Staff Termination of Employment	Provides grounds for dismissal of teachers.
22-63-302 – Procedures for Dismissal	Provides procedures for dismissal of teachers.
22-63-401 – Salary Schedule District Policies: GDB/GDBA, Support Staff Contracts and Compensation Plans/Salary Schedules; GDBD, Support Staff Leaves and Absences; GDBDA, Support Staff Sick Leave; GDBDB,	Provides for District Boardthe Board of Education to adopt a salary schedule and place teachers on the schedule.

Support Staff Funeral Leave; GDBE, Support Staff Vacation and Holidays; District Policy: GCB, GCBA-1, GCBA-2, GCBB, GCBD	
22-63-402 – Services – Disbursements	Prohibits disbursement of district monies to teachers without a valid teacher's certificate, letter of authorization or written authorization.
22-63-403 – Payment of Salaries	Governs payment of salaries upon termination of employment of a teacher.
District Policy: GBL, Personnel Records	Requires school personnel records to be maintained.
District Policy: GMB, Staff Complaints and Grievances	Sets forth procedures for staff to file complaints and/or grievances.
District Policies: GCA, Professional Staff Positions; GCDA, Professional Staff Recertification; GCG, Professional Staff Probation and Tenure; GCJ/GCK, Professional Staff Time Schedule/Work Load; GCKB, Professional Staff Meetings; GCL, GCL-A, Professional Staff Development Opportunities/Visitations and Conferences; GCPA, Reduction in Professional Staff Workforce	

Rationale

The Academy will be responsible for its own personnel matters, including employing its own staff and establishing its own terms and conditions of employment, policies, rules and regulations, providing its own training, and establishing its own system for staff to file complaints and grievances. Therefore, the Academy requests that these statutory duties be waived or delegated from the Board of Education to the Academy Board. Additionally, the Academy will maintain personnel records for each employee, certificated, classified, and administrative. These records will be accurately maintained at the school. The school will comply with all public records and privacy act requirements.

Expected Impact on Achievement

The Academy will establish performance criteria in accordance with its educational program. The school will evaluate its teachers in accordance with the student achievement goals specified elsewhere in this proposal. The Academy will select, employ and provide professional development for its own teachers and staff. The school will manage its own personnel affairs, including the establishment of salary schedules and procedures of dismissal. It will be able to operate its educational program in a more efficient and productive manner and will be accountable for the performance of teachers and students in the school. The Academy expects student achievement to rise (as measured by standardized testing) and student and staff satisfaction to increase.

Financial Impact

The Academy anticipates that the requested waiver will have no financial impact on DCSD or the school.

Evaluating the Impact of the Waivers

The impact of these waivers will be measured by the performance criteria and assessments that apply to the school, including the student achievement goals defined in this proposal; the scores achieved on the Colorado Standardized Assessments (e.g., CSAP); and other standardized, norm-referenced testing that may be implemented at the school. Staff retention, turnover, and satisfaction also will be measured and analyzed to measure the impact of these waivers.

WAIVERS TO BOARDS OF EDUCATION – SPECIFIC DUTIES

<i>State Statute/DCSD Policy</i>	<i>Description</i>
22-32-109(1)(t) – Educational Program and Textbooks/ District Policy: AE, School District Goals and Objectives; IA, Instructional Goals; IF, Curriculum Development	This law grants boards of education authority to determine educational program to be carried on in schools of the district and to prescribe textbooks.
22-32-110(1)(y) – Local Board Powers/Accept Gifts and Donations	Gives local boards of education the power to accept gifts; donations or grants to any kind made to the district and to expend or sue said gifts, donations or grants in accordance with the conditions prescribed by the donor.

22-32-109(1)(b) – Local Boards of Education – Specific Duties/Competitive Bidding	This law requires local boards of education to adopt policies and prescribe rules for competitive bidding in the purchase of services, except professional services, in the district.
22-32-109(1)(n)(1) – Local Boards of Education – Specific Duties/School Calendar/ District Policy: JC, School Attendance Areas	This law requires local boards of education to determine the length of time which the schools of the district will be in session.
22-32-110(1)(i) – Local Board Powers/Reimburse Employees for Expenses	This law gives local boards of education the power to reimburse employees for expenses incurred in the performance of their duties.
22-32-110(1)(j) – Local Board Powers/Procure Insurance/ District Policy: GCBC, Professional Staff Fringe Benefits	This law gives local boards of education the power to procure group life, health or accident insurance covering employees of the district.
22-33-104(4) - Compulsory School Attendance	This law gives local boards of education the power to adopt a written policy setting forth the district's attendance requirements.
District Policy: JICA, Student Dress	

Rationale

The Academy will have the authority to determine the educational program and textbooks to be used in the school. Consequently, these waivers are requested to delegate responsibility for these items from the Board of Education to the Academy in keeping with the spirit of the overall proposal.

Expected Impact on Achievement

The Academy expects, as a result of these waivers, to implement its defined curriculum and meet or exceed the student achievement goals the school has defined in previous sections of this proposal. The Academy expects students and staff alike will be enthusiastic about the varied and sophisticated information imparted, which will have a positive affect on school attendance. The Academy also expects that, as a result of these waivers, it will be able to operate its educational program to the benefit of the students, teachers, and community while ensuring that students begin focusing on the curricular standards of the Academy from the beginning.

Financial Impact

The Academy expects the requested waivers will have no financial impact on DCSD or school.

Evaluating the Impact of the Waivers

The impact of these waivers will be measured by the performance criteria and assessments that apply to the school, including the student achievement goals defined in this proposal; the scores achieved on the Colorado Standardized Assessments (e.g., CSAP); and other standardized, norm-referenced testing that may be implemented at the school.

WAIVERS TO EMPLOYMENT AND AUTHORITY OF PRINCIPALS

State Statute	Description
22-32-126 - Principals - Employment and Authority District Policy: GCB, Professional Staff Contracts and Compensation Plans; GCC/GCD, Professional Staff Recruiting/Hiring	Authorizes boards of education to employ Principals.

Rationale

The Academy will be responsible for its own personnel matters including hiring and evaluating the school's Principal. The success of the Academy will depend, in large measure, on the experience and dedication of its staff. The school must have the ability to motivate, train, and compensate its staff to be accountable for the student achievement that takes place at the school.

Expected Impact on Achievement

This waiver is important to the school's ability to meet its stated student achievement goals. It is imperative the Academy Board has the ability to hold the Principal accountable for the school's impact on overall student achievement. This accountability would be impossible to achieve without the Principal reporting directly to the Academy Board.

Financial Impact

There should be no financial impact upon the DCSD. The Academy must operate within its budget, and the cost of employing the Principal has been included in that budget.

Evaluating the Impact of the Waiver

The impact of this waiver will be measured by the student achievement results of the school as well as by the achievement of the school's goals and objectives as specified previously in this proposal.

WAIVERS TO EDUCATIONAL CONTENT REQUIRED

State Statute	Description
22-1-110 – Effect of use of alcohol and controlled substances to be taught	Specifies how, when, and to what extent the effects of alcohol and controlled substances will be taught in all grade levels.

Rationale

The Academy will be responsible for its own educational, curriculum, field trips, and use of facility policies. The Academy must have the ability to choose its own curriculum and other educational complements. Further, the Academy should have the authority to determine how its facility will be used and any corresponding fee schedule.

Expected Impact on Achievement

This waiver is important to the school's ability to meet its stated student achievement goals. It is imperative the Academy's Board have the ability to choose its curriculum in order that it can meet its student achievement goals. The Board must also have the authority to determine the use of its facility to ensure that this meets the needs of the Academy community.

Financial Impact

There should be no financial impact upon the DCSD. The Academy must operate within its budget and will be responsible for approving all expenditures and revenues.

Evaluating the Impact of the Waiver

The impact of this waiver will be measured by the student achievement results of the school as well as by the achievement of the school's goals and objectives as specified previously in this proposal.

The Academy reserves the right to continue reviewing Colorado Revised Statutes and/or district policies to determine if there are additional waivers the school would like to pursue and to request waivers of those statutes, as specified in C.R.S. 22-2-117 (1) and (2).